



April 18, 2011

VIA ELECTRONIC FILING

Jocelyn Boyd, Chief Clerk/Administrator
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

**Re: Establishment of Fund to Address Revenue Impact on
Incumbent Local Exchange Carriers Electing to Reduce
Toll Switched Access Rates
Docket No. 1996-318-C**

Dear Jocelyn:

Enclosed for filing is the Petition of the South Carolina Cable Television Association to Intervene Out of Time and for a Ruling on Consolidation of the Interim LEC Fund into the Universal Service Fund in the above referenced docket. The S.C. Office of Regulatory Staff recently filed a petition in this docket that we support. In addition, we are petitioning the Commission to address the question of when the Interim LEC Fund will be transitioned into the S.C. Universal Service Fund. By copy of this letter, we are serving the parties of record in this docket and the Office of Regulatory Staff. Should you have any questions, please contact me.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.

Frank R. Ellerbe, III

FRE/bds
Enclosure

cc/enc: Jeffrey M. Nelson, ORS Staff Attorney (via email & U.S. Mail)
Other Parties of Record (via U.S. Mail)

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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1996-318-C

IN RE:)	
)	PETITION OF THE SOUTH CAROLINA
)	CABLE TELEVISION ASSOCIATION
Establishment of Fund to Address Revenue)	TO INTERVENE OUT OF TIME AND
Impact on Incumbent Local Exchange)	PETITION FOR RULING ON
Carriers Electing to Reduce Toll Switched)	CONSOLIDATION OF THE INTERIM
Access Rates)	LEC FUND INTO THE UNIVERSAL
)	SERVICE FUND
)	
)	

Pursuant to Rule 103-825 of the Rules of Practice and Procedure of this Commission, the South Carolina Cable Television Association (“SCCTA”) hereby requests that it be made a party to Docket 1996-318-C and that the Commission address the question of when the Interim LEC Fund (“ILF”) will be transitioned into the Universal Service Fund (“USF”) as required by S.C. Code Section 58-9-280(M). In support of its petition the SCCTA alleges the following:

1. The SCCTA is an association of communications companies providing a variety of services in South Carolina including video, voice and broadband services. All of the members of the SCCTA provide voice services that result in billings, either directly or indirectly through connecting carriers, for payments to the ILF. Thus the members of the SCCTA help to fund the ILF and therefore have an interest in its administration and in this docket.

2. The SCCTA requests to be allowed to intervene out of time because the intervention deadline in this docket was fifteen years ago at a time that the members of

the SCCTA did not offer voice services. Since it appears that the Commission will continue to address matters concerning the ILF in this docket the SCCTA requests that it be made a party.

3. The only issue currently pending in this docket that the SCCTA is aware of is the request by ORS to be allowed to make available to “Contributing Carriers” the information ORS uses to formulate the ILF bills it sends out. The SCCTA supports the request by ORS and would support additional steps to increase the transparency of the operation of the ILF.

4. The SCCTA also believes that the Commission should address the requirement in Section 58-9-280(M) that “the Interim LEC Fund must transition into the USF as outlined in Section 58-9-280(E) when funding for the USF is finalized and adequate to support the obligations of the interim LEC Fund.” (emphasis added). It appears that the USF has stabilized as no companies have asked for additional funding for years now. The SCCTA is informed that the ILF is approximately \$32 million. The SCCTA believes that it is time to consolidate the ILF and USF as required by the statute.

The statutory mandate of Section 58-9-280(M) has apparently never been addressed by the Commission. Both the ILF and the USF are subsidy funds received by an exclusive group of telecommunications companies providing services in an increasingly competitive marketplace. Although the USF is not a model of transparency, it is far more open than the ILF. Thus consolidation of the two subsidy funds – as required by the General Assembly - will increase the transparency and accountability of the ILF. The companies that receive these subsidies may oppose the increased public scrutiny and oversight that would come with consolidation but government mandated

subsidies being paid to an exclusive group of private companies should be subject to rigorous - and public – scrutiny. Accordingly the SCCTA believes that the Commission should move forward with consolidation of the ILF and USF.

5. For the reasons stated in this petition the SCCTA requests that it be made a party to this proceeding and that the Commission take the appropriate steps to transition the ILF into the USF.

Dated this 18th day of April, 2011

ROBINSON, MCFADDEN & MOORE, P.C.



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CERTIFICATE OF SERVICE

Establishment of Fund to Address)
Revenue Impact on Incumbent)
Local Exchange Carriers Electing)
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Rates)

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Dated at Columbia, South Carolina this 18th day of April, 2011.



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